



Austin City Council MINUTES

MAY 9, 1991

MEETING CALLED TO ORDER - 1:00 P.M.

1. Approved Minutes for Regular Meeting of April 25, 1991 and Special Meeting of May 2, 1991

On Councilmember Epstein's motion, Councilmember Larson's second, 5-0 Vote, Councilmember Nofziger and Mayor Pro Tem Urdy out of the room.

1:00 P.M. - CITIZEN COMMUNICATIONS

2. Dr. Tina Juarez discussed information regarding teen pregnancy.
3. Mr. Jon Carlson thanked Mayor Cooke for being the best Mayor Austin has ever had; voiced approval if Robert Barnstone is elected the next Mayor of Austin; discuss a solution to the \$10,000,000 budget shortfall, and discussed elimination of the Resource Management Department (RMD).
4. Mr. Leonard Lyons discussed communication issues.
5. Mr. David N. Elliott discussed current City issues.
6. Mr. Philip Ballard discussed Capital Metro's Special Transit Service.
7. Mr. Henry Ratliff discussed City problems.
8. Ms. Carol Guthrie spoke concerning allegation made regarding AFSCME leadership.
9. Mr. Greg Powell explained AFSCME'S support of various City-wide issues and their ramifications on City employees.
10. Mr. Thom Prentice discussed City issues.
11. Ms. Ruby Jennings, to discuss Capital Metro's Special Transit Service. Did not appear.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Approve an Ordinance amending Chapter 2-3 of the City Code, "Ethics and Financial Disclosure" by adding definitions of immediate family and by requiring that interests of immediate family be disclosed and included in financial disclosure reports of City officials. (Councilmember Michael "Max" Nofziger)

Postponed pending further review by the Ethics Commission.

13. Approve a Resolution directing the City Manager to review and identify services provided by departments that may be more efficient and cost effective if contracted to private service providers. (Councilmember Louise Epstein)

Pulled off agenda.

ORDINANCES

Zoning (Items 14-15)

14. Approved second/third readings of an Ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 2100 Melridge Place, Case No. C14-81-087 (Amended), to amend Ordinance #820311-I to revise the site plan exhibit, replacing the Exhibit "A" site plan with a new site plan for "Zilker Skyline", a 13-unit detached condominium development, RESOLUTION TRUST CORP., by Crane Properties. First reading on January 17, 1991; Vote 5-0, Mayor Pro Tem Urdy out of the room and Councilmember Nofziger absent. Conditions met as follows: Development restricted to that shown on the new site plan to be attached as an Exhibit to the Ordinance. (The applicant requests emergency passage of the Ordinance).

15. Approved second/third readings of an Ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 3200-3500 Oak Creek Drive. Case No. C14-91-0081, from SF-3, Single-Family Residence to IP, Industrial park, HYDROLAB CORP., by Stuart Garner. First reading on February 28, 1991; Vote 6-1, Councilmember Carl-Mitchell voting No. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporate conditions imposed by Council. Right-of-way requirement has been met.

16. Approved declaring the Necessity and Ordering Improvements to Havana Street, a Paving Petition Project.

#14-16 on Councilmember Carl-Mitchell's motion, Councilmember Larson's second, 7-0 Vote on #14 and 16, and 6-1 Vote on #15, Councilmember Carl-Mitchell voted No.

Financial Management Policy (Item 17)

17. Amended Ordinance No. 890615-E revising the Financial Management Policy for the City of Austin for the Non-Voter Approved Debt; Utility Transfer Policy; and Solid Waste Services Landfill Closure Fund. (This action will repeal

Ordinance No. 841129-G which establishes a formula for the General Fund transfer from the Water Utility). [Recommended by the Policy, Planning and Budget Committ

Approved, deleted Part 4 concerning Brackenridge Hospital Patient Discount Policy. On Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 5-0 Vote, Mayor Cooke and Councilmember Barnstone out of the room.

Fees and Charges (Items 18-23)

SET PUBLIC HEARINGS ON THE FOLLOWING: (18-22) for May 23, 1991 at 4:30 P.M.:

18. Amend Ordinance 830921-DD to increase adult entry fees and adult swim ticket fees at Barton Springs, for a net revenue to the General Fund of \$35,193.

19. Amend Ordinance 830921-DD to increase adult entry fees and adult swim ticket fees at Municipal pools, for a net revenue of \$29,224.

20. Amend Ordinance 890914-I to increase rental fees at the Zilker Park Clubhouse from \$135 to \$200 for five hours of use, for a net revenue to the General Fund of \$2,405. (Recommended by Policy, Planning and Budget Subcommittee)

21. Approve an increase in hazardous materials permit fees as authorized by Article 13-8-400 of Chapter 13-8 of the Land Development Code, for a net revenue to the General Fund of \$30,394. (Recommended by Policy, Planning and Budget Subcommittee)

22. Amend Ordinance 900913-F increasing Basic Life Support Transport fees from \$125 to \$140 for a net revenue to the General Fund of \$6,082. (Recommended by Policy, Planning and Budget Subcommittee)

On Councilmember Carl-Mitchell's motion, Councilmember Larson's second, 7-0 Vote.

RESOLUTIONS

23. Set a worksession to discuss a Transportation Fee to partially fund street preventive maintenance. Date and time: May 21, 1991 at 10:00 a.m.

On Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 5-0 Vote, Councilmember Barnstone and Mayor Pro Tem Urdy out of the room.

24. Approved a construction contract award to J.C. EVANS CONSTRUCTION COMPANY, INC., Austin, Texas, for the Waters Park Road water and wastewater improvement project, in the amount of \$350,649.75. (Funding in the amount of \$88,691 included in C.I.P. No. 388-227-0761, and \$261,958.75 included in C.I.P. No. 439-237-0772). Low bid of six (6). 6.97% MBE, 5.01% WBE Subcontractor participation.

On Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 5-0 Vote, Councilmember Barnstone and Mayor Pro Tem Urdy out of the room.

25. Approved execution of a contract with BROWNING FERRIS, INC., Del Valle, TX, for garbage disposal and recycling services for City of Austin Solid Waste Services customers in the North Central Austin Growth Corridor MUD No. 1, in the amount of \$243,600, with the option to extend the contract for two (2) additional twelve (12) month periods in an amount not to exceed \$243,600 per extension period, for a total amount not to exceed \$730,800. (Funding included in the Solid Waste Services Fund with extensions to be funded through the budget process). Low bid of two (2). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

26. Approved a construction contract award to AUSTIN ENGINEERING COMPANY, Austin, Texas, for construction of Slaughter Lane Area III, Phase I-B Annexation Water and Wastewater improvements, in the amount of \$317,410. (Funding in the amount of \$293,326 included in C.I.P. 443-237-0781 - Wastewater Fund, and \$24,084 included in C.I.P. 388-227-0908 - Water Fund). Low bid of six (6). 1.73% MBE, 1.17% WBE Subcontractor participation.

#25-26 on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 5-0 Vote, Councilmember Barnstone and Mayor Pro Tem Urdy out of the room.

27. Approved execution of a sixty (60) month contract with PUBLIC EMPLOYEE BENEFITS SERVICE CORPORATION (PEBSCO), Columbus, Ohio, for the administration of the City's primary Deferred Compensation Plan, including two (2) sixty (60) month extension options. (All fees to be paid by Plan participants). The prime contractor will be utilizing a certified MBE firm, but does not know at this time what the MBE percentage will be. There are no other subcontracting opportunities. Reference No. 900758-3SA.

On Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 5-0 Vote, Councilmembers Barnstone and Carl-Mitchell out of the room.

28. Approved execution of a contract with MILE-HI-T FIRE EQUIPMENT, Round Rock, Texas, for a twelve (12) month supply agreement for repair/replacement parts for Seagrave fire fighting trucks, in an amount not to exceed \$125,000, including the option to extend thereafter for up to two (2) additional twelve (12) month extension periods in an amount not to exceed \$125,000 for each period, for a total amount not to exceed \$375,000. (Funding included in the 1990-91 Operating Budget of the General Services Department). Sole Bid. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

On Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 5-0 Vote, Councilmember Barnstone and Mayor Pro Tem Urdy out of the room.

29. Approve selection (RFQ) of Freese & Nichols, Austin, Texas, for professional engineering services, for the Walnut Creek Wastewater Treatment Plant Effluent Outfall to the Colorado River project, in the amount of \$234,000. (Funding included in C.I.P. No. 434-237-0937). Prime recommendation of twenty-one (21). 10% MBE, 10% WBE Subcontractor participation.

Postponed to May 16, 1991.

30. Approved selection (RFQ) of staff alternate selection of Parshall/HMG JV Austin, Texas, and negotiation and execution of a contract to provide architectural services for the design of a new computer data center, in the amount of \$285,000. (Funding in the amount of \$142,500 included in C.I.P. No. 392-227-722 - Water Fund and \$142,500 included in C.I.P. 430-237-0465 - Wastewater Fund). Prime recommendation of fifteen (15). 10% MBE, 15% WBE Subcontractor participation.

On Councilmember Epstein's motion, Mayor Cooke's second, 5-0 Vote, Councilmembers Barnstone and Larson out of the room.

31. Approve selection (RFQ) of CH2M-Hill for professional engineering services for the Walnut Creek Wastewater Treatment Plant Odor Control System project and related improvements, in the amount of \$489,400. (Funding in the amount of \$401,400 included in C.I.P. 434-237-0939 and \$88,000 included in C.I.P. 430-237-0450). Prime recommendation of six (6). 10% MBE, 10% WBE Subcontractor participation.

Postponed to May 16, 1991.

32. Designated the Trask House, located at 217 Red River, as the location for the downtown Austin Visitor Center.

33. Approved application for and acceptance of a grant in the amount of \$792,163 for the operation of the Central Texas Library System from the Texas State Library and Archives Commission for the period September 1, 1991 to August 31, 1992. (The grant application includes a reimbursement of indirect costs in the amount of approximately \$58,364 of direct salaries).

34. Approved application for and acceptance of a Major Urban Resource Libraries grant in the amount of \$43,028 from the Texas State Library and Archives Commission for the purchase of Library reference materials for support of the Business Information Center for the period September 1, 1991 to August 31, 1992. (No City match required).

#32-34 on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 5-0 Vote, Councilmember Barnstone and Mayor Pro Tem Urdy out of the room.

35. Approve the scope of work for comparing development of Bergstrom Air Force Base and Robert Mueller Municipal Airport to meet Austin's future operational and passenger demand.

Postponed indefinitely.

36. Set a public hearing on adoption of the 1990 National Electrical Code and local amendments related to the adoption of commercial wiring standards and the establishment of an electrical contractor license classification with insurance requirements. Date and time: May 30, 1991 at 5:00 p.m.

On Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 5-0 Vote, Councilmember Barnstone and Mayor Pro Tem Urdy absent.

37. Set a public hearing on the rate change request filed by Southern Union Gas Company. Date and time: May 23, 1991 at 6:30 p.m.

On Councilmember Epstein's motion, Councilmember Larson's second, 7-0 Vote.

4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

ZONING DISTRICTS

38. C14-91-0006 - COLONNADE ASSOCIATION, by Site Specifics, 9041 Research Blvd., from GR to CS-1. Planning Commission Recommendation: To grant CS-1, Commercial Liquor Sales, for 10,169 sq. ft. of building area.

ORDINANCE

On Councilmember Carl-Mitchell's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

39. C14-90-0083 - NORTH CENTRAL AUSTIN GROWTH CORRIDOR MUD #1 (Tract 45), by Department of Planning and Development, 12156, 12166, 12174, 12180, 12190, 12001 & 2009 Park Bend Drive, from I-RR to GR. Planning Commission Recommendation: To grant LR.

Postponed to May 16, 1991 at 4:00 P.M.

40. C14-91-0019 - CITY OF AUSTIN, by Department of Planning and Development, 8514 Cameron Road, from LI to SF-3. Planning Commission Recommendation: To grant SF-3.

ORDINANCE

On Councilmember Carl-Mitchell's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

41. C14-90-0037 - CROCKETT PROPERTIES, by Rizzo Construction, 10213-10233 IH-35 North, 10212-10232 Middle Fiskville Road, from GR to CS-CO. Planning Commission Recommendation: To grant CS-CO Commercial Services-Conditional Overlay, subject to conditions.

PUBLIC HEARING CLOSED - POSTPONED INDEFINITELY

On Councilmember Epstein's motion, Councilmember Larson's second, 7-0 Vote.

42. C14-91-0022 - NIEMAN PROPERTIES, by Site Specifics, 8627 Spicewood Springs Road, from DR to LR. Planning Commission Recommendation: To grant LR-CO, Neighborhood Commercial-Conditional Overlay, subject to conditions.

ORDINANCE

43. C14-91-0026 - DOR-WELL ENTERPRISES, by Lucy's of Austin, Inc., 2803 San Jacinto Blvd., from GO to LR. Planning Commission Recommendation: To grant LR-CO, Neighborhood Commercial-Conditional Overlay, subject to conditions.

FIRST READING

44. C14-91-0023 - BAPTIST FOUNDATION OF TEXAS, by Hur Enterprises, Inc., 8222 Jamestown Drive, from CS to LI. Planning Commission Recommendations: To grant LI-CO, Limited Industrial, subject to conditions.

FIRST READING

#42-44 on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

45. C14-91-0018 - HASSAN KALANTARI, 10306 Middle Fiskville Road, from SF-2 to GR. Planning Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay, with the provision of the Conditional Overlay to allow access only from the northbound access road of I.H. 35, and subject to conditions set out in the neighborhood petition dated April 18, 1991.

FIRST READING

On Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 6-0 Vote, Councilmember Barnstone out of the room.

46. C14-91-0024 - FEDERAL DEPOSIT INSURANCE CORP., by Strasburger & Price, Armbrust & Brown, 11400-11402 Tedford Street, from NO to W/LO. Planning Commission Recommendation: No recommendation due to lack of a quorum vote.

Continue public hearing on May 30, 1991 at 4:00 P.M. On Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 4-0 Vote, Mayor Pro Tem Urdy, Councilmembers Barnstone and Epstein out of the room.

47. C14-91-0025 - TEXAS COMMERCE BANK, by Cencor Realty, 10514-10614 Research Blvd., from GO & GR-CO to GR. Planning Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay subject to Floor-to-Area Ratio (FAR) limitations.

FIRST READING

On Councilmember Carl-Mitchell's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

To be heard by Planning Commission on May 14, 1991.

48. C14-91-0020 - RICHARD DOZIER, by Consort, Inc., 1813-1911 Capital of Texas Highway South, from SF-2 to LI.

POSTPONED TO MAY 30, 1991 AT 4:00 P.M.

On Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

49. 5:00 P.M. - Approve the creation of Tax Abatement Reinvestment Zone No. 6 for 3.72 acres of land out of Twin Oaks Industrial District No. 6 Addition in accordance with Sec. 312.202 of the Texas Tax Code.

Public Hearing closed, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Urdy's second, 5-1 Vote, Councilmember Epstein voted No.

50. Authorized execution of Tax Abatement Agreement with U.S. Netting, Inc., dba Nalle Plastics, Inc. (The taxes proposed for abatement are on new values being added to the tax role, therefore there is no impact on existing tax revenues).

On Councilmember Carl-Mitchell's motion, Mayor Pro Tem Urdy's second, 5-1 Vote, Councilmember Epstein voted No.

ITEMS FROM COUNCIL

51. Approved second reading of an Ordinance, The Open Government Act, which provides a procedure for preparing, handling and processing Council ordinances. (Mayor Lee Cooke and Councilmember Smoot Carl-Mitchell)

On Councilmember Carl-Mitchell's motion, Councilmember Larson's second, with a friendly amendment by Councilmember Larson that two members of the Council or the Mayor and one member of the Council, or the City Manager, sponsor each ordinance. 7-0 Vote.

52. Approved an Ordinance waiving park admission fees in the amount of \$500 or less, at Walter E. Long Park on May 17, 1991, for the 602nd Tactical Air Control Group at Bergstrom Air Force Base in celebration of returning troops from the Middle East. (Councilman Robert Barnstone)

53. Approved an Ordinance waiving parking fees in the amount of \$300 or less, at Zilker Park on June 1, 1991, for the 67th Mission Support Squadron of Bergstrom Air Force Base in celebration of returning troops from the Middle East. (Councilman Robert Barnstone)

#52-53 on Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 6-0 Vote, Councilmember Barnstone out of the room.

54. Approve an Ordinance amending the 1990-91 Operating Budget by appropriating \$4,800 from the Contingency Reserve to the Public Works and Transportation Department to fund 19 school crossing guard positions. (Councilmember Michael "Max" Nofziger)

Delay until Legislature acts.

55. Set a public hearing to approve a text amendment to the Land Development Code relating to the rebuilding of a structure housing a pre-existing conditional use after a casualty loss. Date and time: May 30, 1991 at 6:30 p.m. [Mayor Lee Cooke]

56. Set a public hearing to consider the exchange of Spicewood springs Park for a new park of greater area. Date and time: May 30, 1991 at 5:30 p.m. [Councilmember Bob Larson]

#55-56 on Councilmember Carl-Mitchell's office, Councilmember Epstein's second, 6-0 Vote, Councilmember Barnstone out of the room.

57. Discussed/directed City Manager to amend the contract with Caritas, Inc., in an amount not to exceed \$12,000 a year, to provide central city facilities for food dispersal to Austin's homeless population. (Mayor Lee Cooke)

On Councilmember Larson's motion, Mayor Pro Tem Urdy's second, 5-0 Vote, Councilmembers Barnstone and Carl-Mitchell out of the room.

58. Approved a Resolution requesting the Texas Department of Highways and Public Transportation to work with the City of Austin to prohibit shipments of hazardous materials on MoPac (Loop 1) over the recharge zones. (Councilmember Michael "Max" Nofziger)

On Councilmember Nofziger's motion, Councilmember Larson's second, 5-0 Vote, Mayor Cooke and Councilmember Barnstone out of the room.

59. Discussed/approved a Resolution of support for continuing the current Mayor's Task Force on Gangs, Crime and Drugs through December 31, 1992. (Mayor Lee Cooke)

60. Set a worksession to continue the discussion on the City Council's Youth at Risk priority to include the Mayor's Task Force on Gangs, Crime and Drugs, the City staff Youth at Risk Team, and the Boy Scouts of Central Texas. Date and time: May 28, 1991 at 10:00 a.m.) [Mayor Lee Cooke]

#59-60 on Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 6-0 Vote, Councilmember Barnstone out of the room.

61. Discussion/approval of first reading of an Ordinance amending Chapter 2-6 of the Code of the City of Austin, 1981, to provide for the duties and responsibilities of the Presiding Judge and the Clerk of the Municipal Court. (Mayor Lee Cooke)

Postponed to May 23, 1991.

62. Continue the public hearing on possible phosphate ban from May 16, 1991 to May 23, 1991 at 6:30 p.m. (Mayor Lee Cooke).

No action, except to change the time of the hearing to 6:30 P.M.

63. Instruct the City Manager to amend Section 13-2-502(d)(2) of the Land Development Code to read: "had filed an application with the Planning and Development Department to final plat at least 50% of the land area of the development shown on the preliminary plan and secure approval of such final plats before November 18, 1992." (Mayor Lee Cooke)

Postponed to May 16, 1991.

72. Approved a resolution in opposition to HB 2796 by State Representative Tim Von Dohlen relating to water use fees imposed by the Barton Springs-Edwards Aquifer Conservation District and a prohibition on the issuance or sale of bonds by the district.

Continue on May 16, 1991. (Returned to Legislative Subcommittee)

EXECUTIVE SESSION (No Public Discussion on These Items)

Mayor Cooke announced Council would enter into Executive Session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation, and for personnel matters. No final action, decision, or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

64. Pursuant to Article 6252-17, Section 2(r):

Conference regarding State's request for party status in the City's review of Southern Union Gas Company's rate change request.

65. Pending/Contemplated Litigation - Section 2, Paragraph e

(a) Discuss settlement of a claim against the City of Austin filed by Ascencion Castaneda; Claim No. 89050397.

(b) Discuss settlement of a lawsuit entitled Helen Johnson v. City of Austin; Cause No. 91-1988.

66. Seek Legal Advice:

(a) Discuss payment of attorney's fees in permit matters before the Texas Water Commission by Vinson & Elkins law firm.

(b) Discuss payment of attorney's fees in Barton Creek PUD.

ACTION ON THE FOLLOWING

67. Consider State's request for party status in the City's review of Southern Union Gas Company's rate change request.

Denied, on Councilmember Barnstone's motion, Mayor Cooke's second, 7-0 Vote.

68. Approved a settlement of a claim against the City of Austin filed by Ascencion Castaneda; Claim No. 89050397.

Approved in the amount of \$45,000, on Councilmember Barnstone's motion, Councilmember Carl-Mitchell's second, 7-0 Vote.

69. Approved settlement of a lawsuit entitled Helen Johnson v. City of Austin; Cause No. 91-1988.

Approved in the amount of \$33,000, on Councilmember Epstein's motion, Councilmember Larson's second, 7-0 Vote.

70. Approved payment of attorney's fees in permit matters before the Texas Water Commission by Vinson & Elkins law firm.

On Councilmember Epstein's motion, Councilmember Nofziger's second, 7-0 Vote.

71. APPOINTMENTS

Council made the following appointments:

BUILDING AND FIRE CODE BOARD OF APPEALS - Jack Drummond, Philip Haught, Gary Jaster and Billy Wheless

CABLE COMMISSION - Carlos J. Contreras III

COMMUNITY DEVELOPMENT COMMISSION - Aaron Demerson, Tony Ross and Margaret Uriegas

MAYOR'S COMMITTEE FOR PEOPLE WITH DISABILITIES - John Reynolds

MH/MR PUBLIC RESPONSIBILITY COMMITTEE - Bettie Storey

PARKS AND RECREATION BOARD OF DIRECTORS - Albert Black

PRIVATE INDUSTRY COUNCIL - Sergio Lozano-Sanchez and Anthony B. Owens

RENAISSANCE MARKET COMMISSION - Carl Betancourt

ADJOURN - Council adjourned its meeting at 6:40 P.M.